

U.S. Patent Application Serial No. 10/760,363  
Response to Non-Compliant Amendment filed December 18, 2006  
Reply to OA dated November 16, 2006

### **REMARKS**

As indicated above, this is a Response to the November 16, 2006 Notice of Non-Compliant Amendment.

On September 5, 2006, the applicant filed an Amendment under 37 CFR 1.111 in response to an Office Action dated June 2, 2006. On November 16, 2006, the Examiner issued a Notice informing the applicant that the Amendment, filed on September 5, 2006, was not fully responsive to the previous Action for the reasons discussed on page 2 of the outstanding Notice.

Claims 7 - 9 have been amended in order to avoid the Examiner's objections set forth in the November 16, 2006 Notice. In addition, the applicant hereby reiterates his comments in response to the Office Action dated June 2, 2006.

Claims 10 and 15 are canceled without prejudice or disclaimer. Claims 1 - 6, 11, and 16 - 41 are withdrawn as a result of the Response to the Restriction Requirement and Response to Election of Species Requirement filed March 27, 2006.

Claims 7 - 9 and 12 - 14 remain in this patent application for prosecution.

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Claims 7 - 9 have been amended in order to more particularly point out, and distinctly claim the subject matter to which the applicant regards as his invention. It is believed that this Amendment is fully responsive to the Office Action dated June 2, 2006.

Claims 7 - 10 and 12 - 15 stand provisionally rejected based on non-statutory obviousness-type double patenting rejection as being unpatentable over claims 1 - 9 of co-pending Application No. 10/736,547 (hereinafter, "the '547 application"). The applicant respectfully requests reconsideration of this rejection.

The '547 application is directed to a communication-type guidance system, in which matching mesh information including place information and segment information is sent, as well as optimum movement route, to a terminal device that is provided with a re-routing means for re-routing the movement route to a destination using the matching mesh information, thereby reducing communication load. The '547 application does not disclose one of the primary features of the applicant's instant claimed subject matter; i.e., the association between a desired feature and matching mesh information of guidance position corresponding to the feature. The recitation in claim 1 of the '547 application, mentioned by the Examiner, merely indicates that the matching mesh information includes segment information representing a road, which by no means suggests associating a feature with a guidance position for the feature.

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In view of the above, the withdrawal of the outstanding provisional rejection based on non-statutory obviousness-type double patenting rejection as being unpatentable over claims 1 - 9 of the '547 application is in order, and is therefore respectfully solicited.

In addition, claims 7 - 10 and 12 - 15 stand rejected under 35 USC 103(a) based on Nakane (U.S. Patent Publication No. 2003/0045997) in view of Endo (U.S. Patent Publication No. 2004/0169653). The applicant respectfully requests reconsideration of this rejection.

According to the applicant's claimed structural arrangements, since the feature guidance information recorded with the position information of the guidance information corresponding to a desired feature as a mesh data is used, guidance can be immediately reported. Further, since only a small amount of information is necessary for providing the feature guidance information, when the present invention is applied to a communication-type navigation device, load for transmitting the data can be reduced.

It is submitted that the above-described claimed structural arrangements are not disclosed in the cited references. Specifically, Nakane's device is merely for reducing the communication cost by selectively downloading mesh data necessary for guiding a route. However, Nakane does not disclose that a predetermined feature and mesh information representing a guidance position for the feature are recorded in pairs and the mesh information is used for guiding the feature.

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In the outstanding Action, the Examiner states (in lines 7 and 8 from the bottom of page 4 of the outstanding Action) “when a movable body (Fig. 1, vehicle 5) is moved to a predetermined guidance position (the destination)” (emphasis added). Such Examiner’s comment however confuses the guidance position with the destination. It is submitted that the applicant’s instant claimed invention is to provide guidance at a guidance position remote from the feature (destination), which is not disclosed, expressed or implied, in Nakane.

The secondary reference of Endo is merely relied upon by the Examiner for the reasons set forth in the last full paragraph on page 5 and the first full paragraph on page 6 of the outstanding Action. However, such teachings by Endo do not supplement the above-discussed deficiencies or drawbacks in the teachings of Nakane in failing to fully meet the applicant’s claimed invention, as now recited in the claims submitted herewith. Thus, even if *arguendo* the teachings of the cited references may be combined in the manner suggested by the Examiner, such combined teachings would still fall far short in fully meeting the applicant’s claimed invention, as now recited in the claims filed herewith. Accordingly, a person of ordinary skill in the art would not have found the applicant’s claimed invention obvious under 35 USC 103(a) based on the teachings of Nakane in view of Endo.

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In view of the above, the withdrawal of the outstanding obviousness rejection under 35 USC 103(a) based on Nakane (U.S. Patent Publication No. 2003/0045997) in view of Endo (U.S. Patent Publication No. 2004/0169653) is in order, and is therefore respectfully solicited.

In view of the aforementioned amendments and accompanying remarks, claims, as amended, are in condition for allowance, which action, at an early date, is requested.

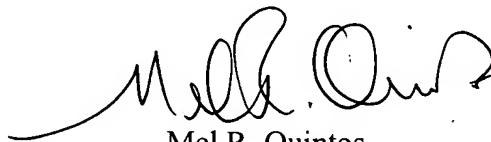
If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact the applicant's undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

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In the event that this paper is not timely filed, the applicant respectfully petitions for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

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